

STATE OF MICHIGAN



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DEPARTMENT OF STATE POLICE

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COMMUNICATIONS DIVISION

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Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of:

Service Rules for the 746-764 and  
776-794 MHz Bands and Revisions to  
Part 27 of the Commission's Rules

WT Docket No. 99-168

Petition for Reconsideration by The  
National Public Safety Telecommunications  
Council

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The Michigan Department of State Police hereby submits comments in full support of the recent petition for reconsideration in this proceeding filed by the National Public Safety Telecommunications Council (NPSTC).

As Communications Division Commander and Project Director of Michigan's Public Safety Communications System (MPSCS) I have been watching with interest the Commission's activities responding to Congress' direction to allocate additional spectrum to public safety. In my view, the FCC has no higher priority than supporting public safety communications.

First of all, I would like to commend the Commission on dedicating the new spectrum at 700 MHz to public safety and adopting an interoperability standard to help ensure we can all communicate with one another. Now that these vital decisions have been made, public safety users are one step closer to actual operation in this band.

Unfortunately, I cannot applaud a recent decision by the Commission related to the commercial portion of the 700 MHz band. I was disturbed to discover from a petition filed by the NPSTC that the Commission had adopted rules which will cause interference to this much needed public safety spectrum. Permitting high power base stations to operate in both portions of the commercial allocation may provide commercial operators some flexibility. However, it is completely contrary to a more pressing public interest – that of the ability of public safety agencies to provide protection to the citizens of every state, county, town, and city in this country. Public safety's ability to meet its critical mission has been hampered by the rising incidence of interference to public safety telecommunications systems by the increased deployment of commercial systems throughout the nation. This interference is occurring at 800 MHz. To imagine that service rules in the 700 MHz band could be adopted that would cause the interference dilemma to carry over and even increase into the new band is unimaginable.

The Commission must re-think its decision to permit high power commercial base stations to operate in the 777-792 MHz portion of the band. NPSTC's Petition included a study performed by TIA, an organization comprised of multiple major manufacturers of public safety equipment, which demonstrated that the potential for interference from such stations is a very real threat.

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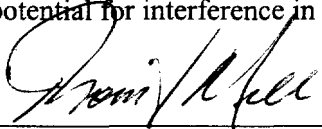
This threat must be eliminated from the outset. The Commission's decision to ask public safety and commercial carriers to resolve any instances of interference, which the Commission seemed to feel were remote, on a case-by-case basis is faulty. Our business is saving lives, not resolving interference caused by inadequate rules.

In cases of interference at the 800 MHz level, they are being resolved on a case-by-case basis because, at the time the rules for that band were written, no one envisioned the interference that would occur. In the case of 700 MHz, the Commission has the benefit of experience and hindsight and can therefore make a better, informed decision in the 700 MHz band. Case-by-case resolutions of interference complaints are costly and time-consuming for both parties. As NPSTC points out in its petition, both parties would prefer to be going about their normal business rather than investing time, energy, materials into investigating and resolving interference. The costs borne by public safety are absorbed by the taxpayer through higher taxes. The costs incurred by the commercial carrier are borne by the consumer – who is also the taxpayer. With case-by-case resolution scenarios, the taxpayer is hit on both sides.

The costs and inconvenience are one side of the story. What to me is the most compelling concern in the interference issue is the inability of public safety officers to communicate with one another, particularly in those times when communication with a fellow officer is of life and death importance. How can the FCC knowingly introduce the capacity for harmful interference into a new band that public safety is looking forward to using to help alleviate existing congestion and interference experienced in its current allocations?

A far better solution would be for the Commission to take steps to limit the potential for interference in the 700 MHz band at the outset. One way to do this is to reinstate the prohibition on high power base stations in the 777-792 MHz portion of the band. Other ways to limit interference to public safety in the 700 MHz band are put forth by NPSTC in its Petition – one being a proposal to use a specific interference threshold to determine the maximum level of interference public safety should receive from commercial carriers; the other being the adoption of a 'zero tolerance' policy on interference from commercial carriers to public safety.

In conclusion, I wholeheartedly support NPSTC's Petition for Reconsideration in all its aspects and ask that the FCC take the necessary steps to eliminate the potential for interference in the new 700 MHz band.

  
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Capt. Thomas J. Miller  
Commanding Officer  
Communications Division

5/7/01  
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Date

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